

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ABU DHABI COMMERCIAL BANK, et al., :
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Plaintiffs, : 08 Civ. No 7508 (SAS)
- against - :
MORGAN STANLEY & CO. INC., et al., : ECF Case
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Defendants. :
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**NOTICE OF DEFENDANTS MORGAN STANLEY & CO. INCORPORATED AND
MORGAN STANLEY & CO. INTERNATIONAL LIMITED'S MOTION TO DISMISS
PLAINTIFFS' NEGLIGENCE CLAIM PURSUANT TO FEDERAL RULES OF CIVIL
PROCEDURE 8(a) AND 12(b)(6)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the annexed Declaration of Antonio J. Perez-Marques and the exhibits thereto, and all the pleadings and proceedings herein, defendants Morgan Stanley & Co. Incorporated and Morgan Stanley & Co. International Limited (collectively, "Morgan Stanley") hereby move this Court before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 15C, New York, New York 10007, for an order, pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing Plaintiffs' negligence claim against Morgan Stanley in the above-captioned action and granting such further relief as the Court deems proper and just.

Morgan Stanley respectfully requests oral argument on this motion.

Dated: January 17, 2012
New York, New York

DAVIS POLK & WARDWELL

By: /s/ James P. Rouhandeh

James P. Rouhandeh

james.rouhandeh@davispolk.com

Antonio J. Perez-Marques

antonio.perez@davispolk.com

William R. Miller, Jr.

william.miller@davispolk.com

450 Lexington Avenue

New York, New York 10017

(212) 450-4000

*Attorneys for Defendants Morgan Stanley
& Co. Incorporated and Morgan Stanley &
Co. International Limited*